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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 05.12.2018

1.

CRM-M No.48518 of 2017

Manohar Joshi and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

2.

CRM-M No.48604 of 2017

Gurshinder Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sanjeev K. Virk, Advocate
for the petitioners (*in CRM-M No.48518 of 2017*) and
for the respondents (*in CRM-M No.48604 of 2017*).

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Sanjeev Duggal, Advocate
for respondents No.2 & 3 (*in CRM-M No.48518 of 2017*) and
for the petitioners (*in CRM-M No.48604 of 2017*).

MAHABIR SINGH SINDHU J. (ORAL)

This common order shall dispose of above noted two petitions as they arise out of the version and cross version.

These petitions have been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.124 dated 14.10.2014, under Sections 323, 341, 148, 149 of the Indian Penal Code and its cross version recorded vide Report No.37 dated 14.10.2014 under

Sections 325, 323, 324, 148, 149 IPC registered at Police Station Phagwara City along with all subsequent proceedings arising therefrom, on the basis of compromise dated 06.11.2017 entered into between the parties i.e. petitioners as well as respondent No.2.

This Court, on 13.03.2018 passed the following order:-

“Prayer in CRM-M No.48518 of 2017 is for quashing of FIR No.124 dated 14.10.2014 registered under Sections 323, 341, 148, 149 IPC, at Police Station Phagwara City and all consequential proceedings arising therefrom, while in CRM-M No.48604 of 2017, prayer is for quashing of Report No.37 dated 14.10.2014 under Sections 325, 323, 324, 148, 149 IPC in FIR No.124 dated 14.10.2014 registered under Sections 323, 341, 148, 149 IPC, at Police Station Phagwara City, and all consequential proceedings arising therefrom, on the basis of a compromise which has been entered into between the parties on 06.11.2017.

It is the contention of learned counsel for the parties that during the pendency of the case, a compromise has been entered into between the parties on 06.11.2017. In the light of the said compromise, none of the parties wants to pursue their respective complaints and, therefore, want the matter to be settled and the FIR along with all consequential proceedings to be quashed.

*Let the parties appear before the Judicial Magistrate Ist Class, Phagwara, on **13.04.2018**, the date fixed before the said Court, to give their statements with reference to the compromise which has been entered into between the parties referred to above.*

The Magistrate is directed to record the statements of all the accused, complainant/injured and

victim, if any and submit a report along with the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

*To come up before this Court on **11.07.2018**.*

Copy of this order be sent to Magistrate concerned forthwith for information and compliance.

Copy of this order be placed on the file of connected case.”

In terms of the above order, statements of the parties were recorded by the learned Sub Divisional Judicial Magistrate, Phagwara and submitted a report dated 19.04.2018. The operative part of the same reads as under:-

“After going through the above statement, this Court is satisfied

- (i) Statement of the parties are bona fide and are not result of any pressure or coercion etc. in any manner;*
- (ii) compromise dated 6.11.2017 Mark-A has been effected between the parties with their free will and above compromise is genuine;*
- (iii) As per statement of complainant, injured Jyoti wife*

- of Manohar Joshi is not the party in the above compromise;*
- (iv) As per statement of complainant, no other case between him and the above accused is pending;*
- (v) Further, as per the report of Ahlmad, no any accused has been declared proclaimed offender in this case.”*

Thereafter, this Court vide order dated 01.11.2018, allowed the injured, namely, Jyoti Joshi to be impleaded as party-respondent No.3. Consequently, her statement has also been recorded by the learned Sub Divisional Judicial Magistrate, Phagwara on 21.11.2018 and thereafter, a report dated 29.11.2018 has been received in this regard which says that matter has been compromised. Statement made by injured-Jyoti Joshi reads as under:-

“Stated that present cross case No.124 dated 14.10.2014 u/s 323, 324, 148, 149 IPC of police station, City Phagwara registered against Gurshinder Singh, Vishal Thakur, Vishal Kumar, Anish Kumar, Yashpal Bhoondi and Inderjit Sonkar on the statement of Vinod Joshi. In this case I have received injuries. We have reached compromise Gurshinder Singh, Vishal Thakur, Vishal Kumar, Anish Kumar, Yashpal Bhoondi and Inderjit Sonkar with my free will, voluntarily or without any kind of undue influence or coercion and is bonafide. Ex. CA is the photostat copy my Aadhar Card. No other case is pending between me and the above said accused. I have no objection if the present FIR is quashed against all the accused named in the FIR.”

Learned State Counsel, on instructions from ASI Baldev Singh, has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential

proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, both the petitions are allowed and the FIR No.124 dated 14.10.2014, under Sections 323, 341, 148, 149 of the Indian Penal Code and its cross version recorded vide Report No.37 dated 14.10.2014 under Sections 325, 323, 324, 148, 149 IPC registered at Police Station Phagwara City along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

(MAHABIR SINGH SINDHU)
JUDGE

05.12.2018

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No